



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/666,650 | 09/17/2003 | Seong Fong Chen | 2877-4031 | 8495 |
| 27123 | 7590 | 09/15/2005 | EXAMINER | |
| MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101 | | | PENG, KUO LIANG | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1712 | |
| DATE MAILED: 09/15/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,650

Applicant(s)

CHEN ET AL.

Examiner

Kuo-Liang Peng

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/8/04 IDS.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 16-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/8/04, 7/1/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of the invention of Group II (Claims 4-15) and species of a glove in the response to the restriction/election requirement filed on August 4, 2005 is acknowledged.

2. Claims 1-3 and 16-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected invention/species, there being no allowable generic or linking claim. Election was made **without** traverse, *supra*.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 4-8, 10 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Reich (US 5 993 972) as evidenced by Germinario (US H 1 857).

Reich discloses a glove coated with a layer comprising a mixture of silicone and ammonium salts of alkyl phosphate. (col. 3, lines 2-38, col. 21, line 40 to col.

Art Unit: 1712

27, line 47 and Examples 77, 81, etc.) Note that one of the silicones taught can be Silicone 2128 cited in Examples 77 and 88, which is known to be a polydimethylsilicone oil as taught by Germinario (col. 3, lines 60-67) The materials for preparing the gloves can be exemplified in col. 10, line 63 to col. 11, line 11, col. 13, lines 42-62, col. 14, lines 24-41, col. 25, lines 13-30, col. 33, lines 34-62 and Examples 55-56, 58, etc. The gloves can be powder-free. (col. 16, lines 13-29) Since Reich's glove reads on that of Applicants', both of them should have the same properties.

5. Claims 4-8, 10 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Podell (US 4 575 476).

Podell discloses a glove coated with a layer comprising a silicone and a surfactant such as oxyethyl alkyl ammonium phosphate. The glove can be made of natural or synthetic rubbers. The glove is powder-free. (col. 1, lines 12-19, col. 2, line 54 to col. 4, line 2, Table 7 and Examples)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1712

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reich as evidence by Germinario as applied to Claims 4-8, 10 and 12-15 above, and further in view of Yeh (US 6 347 408).

Reich is silent on the specific use of a glove comprising an elastomeric layer that is a blend of the polymers set forth in the instant claim. However, Yeh teaches a glove containing an elastomeric layer made of a blend containing at least two of natural rubber, nitrile, polyisoprene, etc. (col. 2, lines 15-21) The motivation of using the blend is to afford a glove with various properties. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize a blend of at least two of natural rubber, nitrile, polyisoprene, etc. Especially, Yeh is in the same field as that of the Reich's endeavor.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reich as evidence by Germinario as applied to Claims 4-8, 10 and 12-15 above, and further in view of Weikel (WO 98/29484).

Reich is silent on the use of cetyl pyridinium chloride. However, through out the whole document, Reich teaches desire to obtain gloves with damp donnability such as in col. 24, line 65 to col. 25, line 12, etc. Furthermore, Weikel teaches the use of a mixture comprising a silicone and 1-hexadecylpyridinium chloride (cetyl pyridinium chloride) for coating gloves. The motivation is to impart damp donnability thereof. (Abstract and page 20, lines 8-35) Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to incorporate cetyl pyridinium chloride into Reich's coating composition. Especially, Weikel is in the same field as that of the Reich's endeavor.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Podell in view of Yeh.

Podell discloses a glove, *supra*, which is incorporated herein by reference. Podell is silent on the specific use of a glove comprising an elastomeric layer that is a blend of the polymers set forth in the instant claim. However, Yeh teaches a glove containing an elastomeric layer made of a blend containing at least two of natural rubber, nitrile, polyisoprene, etc. (col. 2, lines 15-21) The motivation of using the blend is to afford a glove with various properties. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention

Art Unit: 1712

was made to utilize a blend of at least two of natural rubber, nitrile, polyisoprene, etc. Especially, Yeh is in the same field as that of the Podell's endeavor.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Podell or optionally in view of Weikel.

Podell discloses a glove, supra, which is incorporated herein by reference. Podell further teaches the use of a surfactant of cetyl pyridinium chloride. Optionally, Weikel teaches the use of a mixture comprising a silicone and 1-hexadecylpyridinium chloride (cetyl pyridinium chloride) for coating gloves. The motivation is to impart damp donnability thereof. (Abstract and page 20, lines 8-35) Since both oxyethyl alkyl ammonium phosphate and cetyl pyridinium chloride function as damp enhancers (col. 2, lines 54-60). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to use of a mixture comprising these two surfactants with expected success. See MPEP 2144.06.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is


Art Unit: 1712

(571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp
September 13, 2005


Kuo-Liang Peng
Primary Examiner
Art Unit 1712